IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 808 (S/B) 2001

Shri Bahadur Singh Mehta,
S/o late Shri Guman Singh Mehta,
Retired Distt. Inspector of Schools,
R/o Shiv Parwati Vihar,
Haldwani, Nainital. …….. Petitioner

Versus

Principal Secretary,
Education,
State of Uttar Pradesh and others. ……... Respondents

Mr. Vijay Bhatt, Advocate for the Petitioner.
Mr. B.S. Verma, Standing Counsel State of U.P.
Mr. K.P.Upadhayaya, counsel for the State of Uttaranchal.

Coram: Hon. S.H.Kapadia, C.J.
Hon. M.M.Ghildiyal, J.

Dated: 03.11.2003:

PC:

Petitioner retired as District Inspector of Schools. However, he seeks retirement benefits on the basis that he should have been promoted to the higher post of Deputy Director of Education followed by the promotion to the post of Joint Director of Education.

In order to satisfy out conscience, we called upon the respondent to produce the record. The record produced indicates that the regular Departmental Promotion Committee (D. P. C.) had been constitute and that D.P.C. had not found the petitioner fit for promotion.

In the circumstances, we are not in a position to interfere in the writ petition. However, we wish to make it clear that the petitioner is entitled to retirement benefits as the District Inspector of Schools. We are informed by the learned Standing Counsel appearing for the respondents that the petitioner has been receiving retirement benefits on that basis.

Accordingly, the writ petition is rejected.

(M.M. Ghildiyal, J.) **(S.H. Kapadia, C.J.)**

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